



Docket No. 1948-4758

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Molto et al.

Serial No.: 09/914,974 ✓

Group Art Unit: 2875

Filed: September 6, 2001

Examiner: Anabel M. Ton

For: INDICATOR LAMP ABLE TO GENERATE AN INCLINED FLUX, FOR A
MOTOR VEHICLE

REQUEST FOR ISSUANCE OF A SUPPLEMENTAL NOTICE OF ALLOWABILITY
AND
A CORRECTED FORM PTO-1449

MAIL STOP – Issue Fee
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request issuance of a supplemental Notice of Allowability indicating the allowance of all of Claims 1-12 that were pending in the application at the time the Notice of Allowability was mailed on May 25, 2004. Applicants also request issuance of a new copy of the initialed, dated and signed Information Disclosure Citation (Form PTO-1449) indicating consideration of all of the items cited thereon. The Form PTO-1449 was filed with the Information Disclosure Statement (IDS) on September 6, 2001, the date the application was filed with the United States Patent and Trademark Office, in its capacity as a Designated/Elected Office (DO/EO/US), for processing as a PCT national phase application under 35 U.S.C. § 371.

The present Request has been filed in response to the Examiner's failure to indicate the allowance of Claims 1-12, which were pending in the application at the time the May 25, 2004 Notice of Allowability was mailed. The Examiner erroneously indicated the allowability of Claims 1-9 only. In addition, the copy of the initialed, dated, and signed copy of above Form PTO 1449, that accompanied the non-final Office Action of April 10, 2003, did not include any indication that the one U.S. Patent cited under the "U.S. PATENT DOCUMENTS" section and the two publications cited under "OTHER DOCUMENTS" section, respectively of the Form-PTO-1449 were considered by the Examiner.

The Issue Fee due on August 25, 2004 has not yet been submitted. No fee for the filing of the present Request is believed to be required.

DISCUSSION

On September 6, 2001, the above-identified application was filed with the DO/EO/US for national phase processing. Accompanying the original filed application papers was the IDS citing six published documents for consideration by the Examiner that were listed on a Form PTO-1449.

On April 10, 2003, the Examiner mailed a first non-final Office Action, which included, inter alia, a copy of an initialed, dated, and signed copy of the Form PTO-1449 filed with the IDS on September 6, 2001. The Examiner, however, neither initialed nor lined through the three citations under the "U.S. PATENT DOCUMENTS" and "OTHER DOCUMENTS" sections of the Form-PTO-1449.

On March 24, 2004, Applicants filed a Request for Continued Examination (RCE) that was accompanied by an "AMENDMENT UNDER 37 C.F.R. § 1.114", which provided a Listing of Claims including Claims 1-9 and added new dependent Claims 10-12.

On May 25, 2004, the Examiner issued a Notice of Allowability that, inter alia, indicated the allowability of only Claims 1-9. The Notice of Allowability and accompanied papers were silent with respect to the newly added dependent Claims 10-12.

On June 24, 2004, the Examiner indicated that a supplemental Notice of Allowability indicating the allowance of Claims 1-12 would be issued and that a corrected Form PTO-1449 would be provided, both in due course. To date, neither a supplemental Notice of Allowability nor a corrected Form PTO-1449 have been received.

CONCLUSION

On the basis of the above discussion, Applicants hereby request issuance of a supplemental Notice of Allowability indicating the allowance of all pending Claims 1-12. Applicants also request issuance of a new copy of the initialed, dated and signed Information Disclosure Citation (Form PTO-1449) indicating consideration of all of the items cited thereon. In issuing the supplemental Notice of Allowability, Applicants further request that the Examiner acknowledge receipt of the copy of the certified copy of the foreign priority document provided by WIPO.

AUTHORIZATION

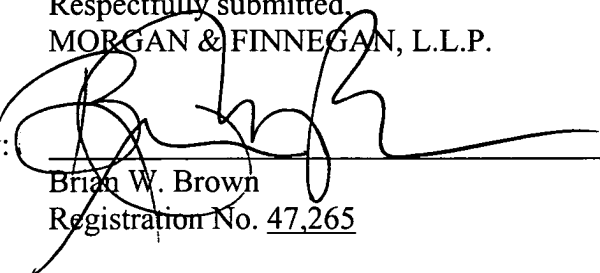
The Commissioner, however, is hereby authorized to charge any additional fees, which may be required for the timely consideration of this Request, or credit any overpayment, to Deposit Account No. 13-4500, Order No. 1948-4758.

Dated: _____

July 23, 2004

By: _____

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.



Brian W. Brown
Registration No. 47,265

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.
345 Park Avenue
New York, NY 10154-0053
(212) 758-4800 Telephone
(212) 751-6849 Facsimile